

# SB1228



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1228

Introduced 2/9/2007, by Sen. Jacqueline Y. Collins

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1

from Ch. 38, par. 16-1

720 ILCS 5/16G-15

Amends the Criminal Code of 1961. Provides that theft of property owned by a place of worship has the same penalties as theft of property in a place of worship. Provides that a person may commit identity theft when he or she uses fictitious personal identification information or documents for a fraudulent purpose.

LRB095 11051 RLC 31373 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Sections 16-1 and 16G-15 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

7 Sec. 16-1. Theft.

8 (a) A person commits theft when he knowingly:

9 (1) Obtains or exerts unauthorized control over  
10 property of the owner; or

11 (2) Obtains by deception control over property of the  
12 owner; or

13 (3) Obtains by threat control over property of the  
14 owner; or

15 (4) Obtains control over stolen property knowing the  
16 property to have been stolen or under such circumstances as  
17 would reasonably induce him to believe that the property  
18 was stolen; or

19 (5) Obtains or exerts control over property in the  
20 custody of any law enforcement agency which is explicitly  
21 represented to him by any law enforcement officer or any  
22 individual acting in behalf of a law enforcement agency as  
23 being stolen, and

1 (A) Intends to deprive the owner permanently of the  
2 use or benefit of the property; or

3 (B) Knowingly uses, conceals or abandons the  
4 property in such manner as to deprive the owner  
5 permanently of such use or benefit; or

6 (C) Uses, conceals, or abandons the property  
7 knowing such use, concealment or abandonment probably  
8 will deprive the owner permanently of such use or  
9 benefit.

10 (b) Sentence.

11 (1) Theft of property not from the person and not  
12 exceeding \$300 in value is a Class A misdemeanor.

13 (1.1) Theft of property not from the person and not  
14 exceeding \$300 in value is a Class 4 felony if the theft  
15 was committed in a school or place of worship or if the  
16 theft was of governmental property or property owned by a  
17 place of worship.

18 (2) A person who has been convicted of theft of  
19 property not from the person and not exceeding \$300 in  
20 value who has been previously convicted of any type of  
21 theft, robbery, armed robbery, burglary, residential  
22 burglary, possession of burglary tools, home invasion,  
23 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
24 4-103.3 of the Illinois Vehicle Code relating to the  
25 possession of a stolen or converted motor vehicle, or a  
26 violation of Section 8 of the Illinois Credit Card and

1 Debit Card Act is guilty of a Class 4 felony. When a person  
2 has any such prior conviction, the information or  
3 indictment charging that person shall state such prior  
4 conviction so as to give notice of the State's intention to  
5 treat the charge as a felony. The fact of such prior  
6 conviction is not an element of the offense and may not be  
7 disclosed to the jury during trial unless otherwise  
8 permitted by issues properly raised during such trial.

9 (3) (Blank).

10 (4) Theft of property from the person not exceeding  
11 \$300 in value, or theft of property exceeding \$300 and not  
12 exceeding \$10,000 in value, is a Class 3 felony.

13 (4.1) Theft of property from the person not exceeding  
14 \$300 in value, or theft of property exceeding \$300 and not  
15 exceeding \$10,000 in value, is a Class 2 felony if the  
16 theft was committed in a school or place of worship or if  
17 the theft was of governmental property or property owned by  
18 a place of worship.

19 (5) Theft of property exceeding \$10,000 and not  
20 exceeding \$100,000 in value is a Class 2 felony.

21 (5.1) Theft of property exceeding \$10,000 and not  
22 exceeding \$100,000 in value is a Class 1 felony if the  
23 theft was committed in a school or place of worship or if  
24 the theft was of governmental property or property owned by  
25 a place of worship.

26 (6) Theft of property exceeding \$100,000 and not

1 exceeding \$500,000 in value is a Class 1 felony.

2 (6.1) Theft of property exceeding \$100,000 in value is  
3 a Class X felony if the theft was committed in a school or  
4 place of worship or if the theft was of governmental  
5 property or property owned by a place of worship.

6 (6.2) Theft of property exceeding \$500,000 in value is  
7 a Class 1 non-probationable felony.

8 (7) Theft by deception, as described by paragraph (2)  
9 of subsection (a) of this Section, in which the offender  
10 obtained money or property valued at \$5,000 or more from a  
11 victim 60 years of age or older is a Class 2 felony.

12 (c) When a charge of theft of property exceeding a  
13 specified value is brought, the value of the property involved  
14 is an element of the offense to be resolved by the trier of  
15 fact as either exceeding or not exceeding the specified value.

16 (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)

17 (720 ILCS 5/16G-15)

18 Sec. 16G-15. Identity theft.

19 (a) A person commits the offense of identity theft when he  
20 or she knowingly:

21 (1) uses any personal identifying information or  
22 personal identification document of another person,  
23 regardless of whether the person is an actual individual or  
24 fictitious, to fraudulently obtain credit, money, goods,  
25 services, or other property, or

1           (2) uses any personal identification information or  
2           personal identification document of another, regardless of  
3           whether the person is an actual individual or fictitious,  
4           with intent to commit any felony theft or other felony  
5           violation of State law not set forth in paragraph (1) of  
6           this subsection (a), or

7           (3) obtains, records, possesses, sells, transfers,  
8           purchases, or manufactures any personal identification  
9           information or personal identification document of  
10          another, regardless of whether the person is an actual  
11          individual or fictitious, with intent to commit or to aid  
12          or abet another in committing any felony theft or other  
13          felony violation of State law, or

14          (4) uses, obtains, records, possesses, sells,  
15          transfers, purchases, or manufactures any personal  
16          identification information or personal identification  
17          document of another, regardless of whether the person is an  
18          actual individual or fictitious, knowing that such  
19          personal identification information or personal  
20          identification documents were stolen or produced without  
21          lawful authority, or

22          (5) uses, transfers, or possesses document-making  
23          implements to produce false identification or false  
24          documents with knowledge that they will be used by the  
25          person or another to commit any felony theft or other  
26          felony violation of State law, or

1           (6) uses any personal identification information or  
2           personal identification document of another, regardless of  
3           whether the person is an actual individual or fictitious,  
4           to portray himself or herself as that person, or otherwise,  
5           for the purpose of gaining access to any personal  
6           identification information or personal identification  
7           document of that person, without the prior express  
8           permission of that person, or

9           (7) uses any personal identification information or  
10          personal identification document of another, regardless of  
11          whether the person is an actual individual or fictitious,  
12          for the purpose of gaining access to any record of the  
13          actions taken, communications made or received, or other  
14          activities or transactions of that person, without the  
15          prior express permission of that person.

16          (b) Knowledge shall be determined by an evaluation of all  
17          circumstances surrounding the use of the other person's  
18          identifying information or document.

19          (c) When a charge of identity theft of credit, money,  
20          goods, services, or other property exceeding a specified value  
21          is brought the value of the credit, money, goods, services, or  
22          other property is an element of the offense to be resolved by  
23          the trier of fact as either exceeding or not exceeding the  
24          specified value.

25          (d) Sentence.

26          (1) A person convicted of identity theft in violation

1 of paragraph (1) of subsection (a) shall be sentenced as  
2 follows:

3 (A) identity theft of credit, money, goods,  
4 services, or other property not exceeding \$300 in value  
5 is a Class 4 felony. A person who has been previously  
6 convicted of identity theft of less than \$300 who is  
7 convicted of a second or subsequent offense of identity  
8 theft of less than \$300 is guilty of a Class 3 felony.  
9 A person who has been convicted of identity theft of  
10 less than \$300 who has been previously convicted of any  
11 type of theft, robbery, armed robbery, burglary,  
12 residential burglary, possession of burglary tools,  
13 home invasion, home repair fraud, aggravated home  
14 repair fraud, or financial exploitation of an elderly  
15 or disabled person is guilty of a Class 3 felony. When  
16 a person has any such prior conviction, the information  
17 or indictment charging that person shall state the  
18 prior conviction so as to give notice of the State's  
19 intention to treat the charge as a Class 3 felony. The  
20 fact of the prior conviction is not an element of the  
21 offense and may not be disclosed to the jury during  
22 trial unless otherwise permitted by issues properly  
23 raised during the trial.

24 (B) Identity theft of credit, money, goods,  
25 services, or other property exceeding \$300 and not  
26 exceeding \$2,000 in value is a Class 3 felony.

1 (C) Identity theft of credit, money, goods,  
2 services, or other property exceeding \$2,000 and not  
3 exceeding \$10,000 in value is a Class 2 felony.

4 (D) Identity theft of credit, money, goods,  
5 services, or other property exceeding \$10,000 and not  
6 exceeding \$100,000 in value is a Class 1 felony.

7 (E) Identity theft of credit, money, goods,  
8 services, or other property exceeding \$100,000 in  
9 value is a Class X felony.

10 (2) A person convicted of any offense enumerated in  
11 paragraphs (2) through (7) of subsection (a) is guilty of a  
12 Class 3 felony.

13 (3) A person convicted of any offense enumerated in  
14 paragraphs (2) through (5) of subsection (a) a second or  
15 subsequent time is guilty of a Class 2 felony.

16 (4) A person who, within a 12 month period, is found in  
17 violation of any offense enumerated in paragraphs (2)  
18 through (7) of subsection (a) with respect to the  
19 identifiers of, or other information relating to, 3 or more  
20 separate individuals, at the same time or consecutively, is  
21 guilty of a Class 2 felony.

22 (5) A person convicted of identity theft in violation  
23 of paragraph (2) of subsection (a) who uses any personal  
24 identification information or personal identification  
25 document of another to purchase methamphetamine  
26 manufacturing material as defined in Section 10 of the

1           Methamphetamine Control and Community Protection Act with  
2           the intent to unlawfully manufacture methamphetamine is  
3           guilty of a Class 2 felony for a first offense and a Class  
4           1 felony for a second or subsequent offense.

5           (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05;  
6           94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)